

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1428 OF 2015**

Vivek Anthony Aranha ...Applicant
Versus
The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1429 OF 2015**

Vinay Vivek Aranha ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. A. P. Mundargi, Sr. Advocate with Mr. Harshad Nimbalkar and
Mr. S. R. Nargolkar i/b Mr. S. H. Nimbalkar for the Applicant in
ABA/1428/2015

Mr. Prakash Naik with Mr. S. R. Nargolkar i/b Mr. Ganesh Bhujbal for the
Applicant in ABA/1429/2015

Mr. S. S. Pednekar, A.P.P for the Respondent-State in ABA/1428/2015

Ms. Veera Shinde, A.P.P for the Respondent-State in ABA/1429/2015

Mr. Nilesh Ojha for the Intervener in ABA/1428/2015

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 23rd SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P
for the State.

2. At the outset, learned A.P.P points out para 2 of the order dated 15th September, 2015 passed by the District Judge-12 and Additional Sessions Judge, Pune, by which, the application of the applicants came to be rejected. It appears from para 2 of the said order that as the Advocate for the applicants was not present, no arguments were advanced on behalf of the applicants. It appears that there was an interim order in favour of the applicants till the final order was passed on 15th September, 2015, rejecting their application.

3. Learned A.P.P states that the matter be remitted back to the trial Court for hearing the application afresh on merits.

4. Perused the order dated 15th September, 2015. It is not disputed that the advocate for the applicants was not present and hence the learned Judge proceeded to hear and decide the application. The learned Judge was justified in proceeding with the matter, as the applicants' Counsel failed to appear. However, only in the interest of justice and with a view to give an opportunity to the applicants, who cannot be faulted, the impugned order dated 15th September, 2015 is quashed and set-aside. Accordingly, the

application No. 2952 of 2015 is restored back to its original file. The learned District Judge after hearing the parties, shall pass a reasoned order, on merits. The learned Judge shall make an endeavour to dispose of the said application as expeditiously as possible. The learned Counsel for the applicants makes a statement that the Advocate for the applicants will remain present before the learned Judge on all the dates which may be assigned for hearing of the application.

5. The applicants to appear before the learned Judge on 7th October, 2015 at 11:00 a.m. along with an authenticated copy of this order.

6. Since the applicants were protected by an interim order till their application for anticipatory bail came to be rejected, the order dated 3rd September, 2015 is restored.

7. The applications are disposed of on the aforesaid terms.

8. It is made clear that this Court has not considered the applications on merits.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
